

Bridging the Tribal Digital Divide Act of 2019

Section-by-Section Analysis

Title I – Interagency Coordination Program

§101 - Purpose

§102 – Interagency Working Group

Requires the Assistant Secretary for Communications and Information (National Telecommunications and Information Administration [NTIA]) and USDA's Administrator of the Rural Utilities Service to establish a Tribal Broadband Interagency Working Group. The Working Group would serve as a forum to improve coordination across Federal broadband programs; reduce deployment barriers; promote awareness of Federal support for broadband deployment; and develop common Federal goals, performance measures, and plans to deploy affordable broadband on Tribal lands. The Working Group would be required to periodically issue a strategic plan on Tribal broadband deployment activities, priorities, and objectives.

§103 – Tribal Broadband Deployment Plan

The FCC, in consultation with the Department of the Interior, would publish a list of each underserved Tribal entity (defined as an Indian Tribe, the Tribal land of which lacks affordable broadband service; and has subscription rates that are below 80 percent) in the Federal Register. The Working Group would notify each Tribal entity on the list and offer to provide technical assistance to develop a Tribal broadband deployment plan, detailing current and projected efforts to meet broadband deployment goals.

§104 – Streamlined Applications for Support

The Assistant Secretary for Communications and Information (NTIA) would be required to work with Federal agencies to streamline and standardize the application process for grants and other financial assistance to support the deployment broadband services on Tribal lands. Federal agencies would be directed to amend applications for Federal Tribal broadband deployment programs to streamline and standardize applications. The Assistant Secretary would be required to pursue developing a single, Federal application for Tribal broadband programs, and create a web site to educate applicants on available programs.

§105 – Tribal Broadband Deployment Advisory Committee

Establishes a Tribal Broadband Deployment Advisory Committee that consists of 16 authorized representatives of Tribal governments, at least one from each of the 10 regional Bureau of Indian Affairs offices, along with 4 at large Tribal officials. The Advisory Committee is to meet and make recommendations to Congress on ways of improving the deployment of Tribal broadband services. This is essentially making permanent the Native Nations Communications Task Force.

Title II – Tribal Set-Aside

§201 – Rural Utility Service

Would set aside 20% of amounts made available under the following USDA Rural Utility Service programs for broadband adoption and deployment on Tribal land: Telecommunications Infrastructure Loan and Loan Guarantee Program, the Community Connect Grant Program, the Distance Learning and Telemedicine Grant Program, the Rural Broadband Access Loan and Loan Guarantee Program (Farm Bill Broadband Loans), and the Broadband Loan and Grant Pilot Program.

Subsection (b) allows Indian-owned businesses or Indian-owned business partnerships to be eligible for funding under the Community Connect Grant program, waives the 15% cash contribution requirement for underserved Indian Tribe, and exempts Indian Tribes from the requirement that they submit a system design to be eligible for grant funding.

§202 – Universal Service Fund

Would set aside 5% of amounts made available under the Universal Service Fund. Would increase the Tribal support under the Lifeline program by \$10 for each year Tribes have not met the Tribal broadband benchmark. The Tribal lifeline currently provides an additional \$25 per month subsidy, for a total lifeline subsidy of up to \$34.25.

Title III – Universal Service on Tribal Land

§301 – Universal Service on Tribal Land

Clarifies that consumers on Tribal land and in areas with high populations of Indians should have access to telecommunications and informational services that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.

Title IV – Tribal Broadband Factor

§401 – Tribal Broadband Factor

Requires the FCC to conduct a rulemaking to reduce the funding threshold for Connect America Fund Broadband Loop Support and increase the High Cost Loop Support adjustment for rate of return carriers.

Title V – Broadband Rights-of-Way

§501 – Pilot Program for Tribal Grant of Rights-of-Way for Broadband Facilities

Establishes the Tribal Broadband Right-of-Way Pilot Program to allow the Secretary of the Interior to delegate the authority to approve rights-of-way to for the construction, maintenance, and facilitation of broadband service to not fewer than 10 Indian tribes. The authority would sunset after 10 years.

Amendment makes the rights-of-way authority permanent, at the request of the Department of the Interior. S. 3264 as introduced is a pilot program. The Department of Interior reviewed the amendment language and has no concerns.

Title VI – Eligibility of Libraries and Anchor Institutions for E-Rate Support

§601 – Eligibility of Tribal Libraries

Requires the FCC to amend existing regulations to allow Tribal libraries and Tribal library consortiums and anchor institutions (defined as a Tribal government building, chapter house, longhouse, community center, senior center, or other similar public building) to be eligible for the E-rate program, irrespective of current eligibility by a State library administrative agency, as required by the Library Services and Technology Act.

Title VII – Establishment of New 2.5 GHZ Tribal Priority Window

§701 – Establishment of New 2.5 GHZ Tribal Priority Window

Incorporates language of S. 4809, the Extending Tribal Broadband Priority Act of 2020, which would require the FCC to open a new 2.5 GHz Rural Tribal Priority Window that would last at least 180 days in order to create additional time for Tribal nations and Native Hawaiian organizations to apply for unassigned spectrum licenses over their lands. Extending the deadline has the support of the [National Congress of American Indians](#), the Assistant Secretary for Indian Affairs Tara Sweeney, the Native Nations Communications Task Force, and members of Congress. S. 4809 is sponsored by Senator Warren, co-sponsored by Senators Markley, Merkley, Smith, Hirono, Udall, Schatz, Wyden, Klobuchar, Cortez Masto, Baldwin, Rosen, and King.